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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,108	11/18/2003	Thomas R. Goodwin	3519.011.00-US	3996
30827	7590	08/24/2007		
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER HAVAN, THU THAO	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,108

Applicant(s)

GOODWIN ET AL.

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/18/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Drawings

The Examiner accepts the drawings filed on November 18, 2003.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Corn et al. (US 2004/0167845) in view of Hambrecht et. al (US 2004/0039685).

Re claims **1** and **15**, Corn teaches detailed product information (para. 0006-0007);

buyer activity information for each buyer, comprising: information of a frequency with which said buyer has accessed said computerized system, information of a frequency with which buyer has viewed said product, and information of whether said buyer has viewed detailed information about said product (para. 0034 and 0041); and

historical information for each of said buyers, comprising: the number of other products that said buyer has bid on previously, the number of winning bids from said buyer for other products (para. 0007 and 0034); and

a ranking determined for each buyer relating to the likelihood that said buyer will bid on said product, said ranking determined based on said buyer activity information and said buyer historical information (para. 0002 and 0038).

However, Corn does not explicitly teach a computerized system for trading products between at least one buyer and at least one seller. On the other hand, Hambrecht specifically discloses a computerized system for trading products between at least one buyer and at least one seller when he discloses an auction system that allows a person who is interested in the offering can place a bid in the auction through an internet website (para. 0003 and 0020). Auctioning over the Internet is well known element in relation to a computerized system for trading products. Hambrecht discloses a software-driven auction engine ranks bids from highest price to lowest price. Starting with the highest priced bid, the amount of shares requested accumulate. At the price where the cumulative amount of requested shares is equal to the amount of shares the company wishes to sell, the clearing price is set. Everyone who bids above the clearing price receives a full allocation. Thus, it would have been obvious to one of ordinary skill in the art to enable a computerized system for trading products when sellers and buyers are auctioning over the Internet to sell products.

Re claim 2, Hambrecht teaches at least one document relating to said product, said document being different from said detailed product information (para. 0070 and 00148).

Re claim 3, Hambrecht teaches buyer activity information for each of said buyers further comprises whether said buyer has accessed said document (para. 0158).

Re claim 4, Hambrecht teaches buyer activity information for each of said buyers further comprises whether said buyer has downloaded said document (para. 0070).

Re claim 5, Hambrecht teaches buyer activity information for each of said buyers further comprises whether said buyer has purchased said document (para. 0158).

Re claim 6, Corn teaches historical information further comprises the buyer's bid for every product that the buyer has bid on, the winning bid for each of the products that the buyer has bid on, and the proximity between the buyer's bid and the winning bid for each product in which the buyer's bid was a losing bid (para. 0034).

Re claim 7, Corn teaches historical information for each of said buyers further comprises the rank of said buyer's losing bid in relation to the winning bid and all other losing bids from other buyers for each product offering in which the buyer's bid was not the winning bid (para. 0038).

Re claim 8, Corn teaches buyer activity information for each of said buyers further comprises the amount of time each of said buyers spent viewing said product on said computerized system (fig. 2).

Re claim 9, Corn teaches ranking comprises placing each of said buyers into a predetermined category based on their likelihood of bidding (figs. 3-4).

Re claims 10 and 16, Corn teaches ranking comprises a unique ranking of the likelihood of each of said buyers entering a bid for said product (para. 0034 and 0038).

Re claims 11 and 17-18, Corn teaches ranking comprises a score calculated based on buyer activity information and buyer historical information for each of said buyers (figs. 11-12).

Re claim **12**, Corn teaches qualitative information about the likelihood of a buyer bidding on said product (para. 0034 and 0041).

Re claim **13**, Corn teaches acquisition preference information for each buyer, wherein said ranking is determined based on said buyer activity information, said buyer historical information, and said buyer acquisition preferences (para. 0038).

Re claim **14**, Corn teaches ranking is recalculated whenever the buyer activity information is updated based on additional buyer activity (para. 0034).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct-uspto.gov/>>. Should you have questions on access to the

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Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan

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8/19/2007